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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,370	11/26/2003	John N. Gross	JNG 98001C	8022

23694 7590 03/03/2008
J. NICHOLAS GROSS, ATTORNEY
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SUITE 610
BERKELEY, CA 94704

EXAMINER

SPOONER, LAMONT M

ART UNIT	PAPER NUMBER
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2626

MAIL DATE	DELIVERY MODE
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03/03/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/723,370

Applicant(s)

GROSS ET AL.

Examiner

Lamont M. Spooner

Art Unit

2626

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 07 February 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

DETAILED ACTION

Introduction

1. This office action is in response to applicant's arguments filed 2/7/08. Claims 83-103 are currently pending.

Response to Arguments

2. Applicant's arguments filed 2/07/08 have been fully considered but they are not persuasive.

More specifically, applicant's arguments regarding

"wherein the author of the email message can cause the email message to be transmitted by the computing system to said intended recipient even if words in such email message still fall within said language fileter.

The Examiner nonetheless cites Bradshaw as showing this type of behavior. It is respectfully submitted that Bradshaw does not rectify this deficiency in Cohen, because, as the Examiner's own citation illustrates, Bradshaw merely allows a supervisor to manually have screening capability over content to be sent. In other words, as with Cohen, the author of an electronic message has no say or control over whether the content is transmitted or not. This is clearly not disclosing the new limitation of claim 1

of the present application. Since this omission is so glaringly apparent in Bradshaw, it cannot possibly serve as a suitable combination with Cohen to render the claims obvious. Reconsideration is thus requested for these claims."

The Examiner notes, the explicit detail of Bradshaw in the previous office action, wherein, "Bradshaw teaches the above lacking limitation, wherein the author ...even if words... (C.2 lines 57-67-screen production of email, C.3 lines 10-34, C.4 lines 18-21, Bradshaw explicitly teaches giving **supervisory control to the screening of content to a user, libraries, and sent content, including a supervisor**, see abstract. Thus, the **user/supervisor** may screen for content, and **possess the ability to send the content**, see C.4 lines 18-21 which discuss offensive content sent via email, as within the supervisory powers of the author, C.9 lines 34-36 allow the user content screening, yet allow the user to continue with the transmission of the content with only a warning)." Regarding claim 83, the Examiner indicates, as noted above, the **user and supervisor** (by **user/supervisor** notation) as one in the same. Wherein the supervisor can certainly be the user thus concurrently the author and possess the capability to send a message even if the "words in such email message still

fall within said language filter." Arguments regarding claims 84-87, 92, and 96 and are not persuasive for the same reasons.

Regarding claims 88, 89 and 97, claims 84-87, 92, and 96 and are not persuasive for the same reasons as stated above. Furthermore, the Examiner notes, "Dictionary 1 is a file **without** a supplemental dictionary. Dictionary 2 is interpreted as the supplemental file, or **dictionary 1 with dictionary 2**, in both cases they are a **different** electronic file, by any interpretation, in which case either dictionary 1 can be used separately or dictionary 2 can (as claimed) be used, **separately**."

Regarding claims 90, 91, 93, 98 and 99, claims 90, 91, are not persuasive for the same reasons as stated above regarding claim 83. Furthermore the Examiner notes, applicant' appears to be arguing that the "thresholds on a browser. These are not thresholds used by an author of an email message; they are thresholds being used by a web surfer looking at web pages." The Examiner cannot concur as the author (sender of content) may be alerted based on the threshold (see Russel-Falla C.8 lines 41-59). Applicant's arguments against claims 93, 98, 99, are unpersuasive based on the reasons stated above.

Regarding claims 94, 95 and 100-103, claims 94 and 95 are not persuasive for the same reasons as stated above regarding claim 83. Furthermore, regarding applicant's arguments concerning Cohen with Rayson, the Examiner notes motivation is directly supplied in Rayson's summary, as the both Cohen and Rayson provide word filters, which interprets/fits clearly into appropriateness, and Rayson provides the benefit of scanning, based on indications related to time intervals, for the filtering/corrections, (see previous rejection), wherein Rayson explicitly teaches **as text is typed into a document**, which, by modifying Bradshaw with Cohen, will provide the motivation is directly supplied in Rayson's summary, as the both Cohen and Rayson provide word filters, which interprets/fits clearly into appropriateness, and Rayson provides the benefit of **scanning, based on indications related to time intervals, for the filtering/corrections**, (see previous rejection), wherein Rayson explicitly teaches **as text is typed into a document**, which, by modifying Bradshaw with Cohen, will provide the applicant's claimed invention, wherein **immediately after a word is entered, into Cohen, the word is inspected, as taught by Rayson**. Regarding claims 100-103, applicant's

arguments are not persuasive for the same reasons as stated above regarding claim 83, and 94 and 95 as previously discussed.


Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lamont M. Spooner whose telephone number is 571/272-7613. The examiner can normally be reached on 8:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on 571/272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

lms
2/21/08


PATRICK N. EDOUARD
SUPERVISORY PATENT EXAMINER